Supreme Court, U.S.
FILED
SEP 26 2003
OFFICE OF THE CLERK

No. 03-264

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN DAVID GEREMIA

Petitioner

vs.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT; DETECTIVE T. BALL;WILLIAM TULLOS;JOANN TULLOS; and WILLIAM MOMA,

Respondents

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

REPLY BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

JOHN DAVID GEREMIA
3105 PALO VERDE
LAUGHLIN , NEVADA
89029
(702) 298-3948
IN PRO SE

5 pp

INTRODUCTION

The decision of the Ninth Circuit should not be allowed to stand, because it incorrectly suggests that a police department need only to assert that charges were filed by a District Attorney without presenting any evidence that charges were filed. The decision also suggests that a police department can properly hide exculpatory evidence (signed statements from the alleged victims).

REASONS FOR GRANTING THE WRIT

I. TO THIS DAY RESPONDENTS POLICE DEPARTMENT HAVE NOT PRODUCED ANY DOCUMENTS PROVING THAT THE DISTRICT ATTORNEY FILED CHARGES, YET PETITIONER HAS PRODUCED AN ABUNDANT AMOUNT OF DOCUMENTS WHICH WOULD SUPPORT A DENIAL TO FILE CHARGES BY THE DISTRICT ATTORNEY.

Item 1 of Respondents **ISSUES PRESENTED FOR REVIEW** implies that somehow the Ninth Circuit made its ruling because a judge issued warrants or filed charges and this is simply not true. The Ninth Circuit ruled the police and Detective Ball were immune because the District Attorney filed charges without any documented proof.

II. THE NINTH CIRCUIT SUSTAINS THE HIDING OF EXCULPATORY EVIDENCE AND SELECTIVE INVESTIGATIONS BY A POLICE DEPARTMENT.

Contrary to Item 2 of Respondents issues Petitioner's demand for discovery had a great deal of factual support. Sworn Trial testimony in pertinent part was presented to the Honorable Supreme Court that bears out that three of the alleged victims gave signed statement that the Police Department failed to provided either at criminal trial or Civil Discovery. Clearly the Police Department had a duty to produce the complete file and all statements but rather they chose to be selective and only produce the signed 'affirmation' of one statement (that of Joan Tullos). This violates petitioners right to due process.

III. AS TO RESPONDENTS REMAINING ISSUES PRESENTED FOR REVIEW ITEMS 3 AND 4.

Justice Black of the United States Supreme Court said it best in **Conley v. Gibson, 355 U.S. 41 at 48 (1957);**

"The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accepts the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to rule 8(f) FRCP all pleading shall be construed to do substantial justice."

IV. ONCE AGAIN RESPONDENT BASES THEIR WHOLE ARGUMENT ON CASE LAW INVOLVING A WARRANTLESS ARREST YET ALL THE ARREST WERE BY WARRANT AND SELECTIVE QUOTING OF LAW.

The Defendant hopes that this Honorable Supreme Court would believe that Detective Ball had to promptly act by obtaining an arrest warrant even though the District Attorney had refused to issue one on three separate occasions. They then somehow argue that the Police had to arrest on warrants supported by evidence they selectively chose to produce or obtain. The Petitioner submits to this Honorable Supreme Court he was unable to Litigate this complaint because the police have not produced statements and co-defendants refused to set for depositions.

The respondent also cites to Rule 56 but does not mention Rule 60.

The respondent also cites to Nevada Revised Statute 41.035 in regards to a $50,000 cap for punitive damages but does not mention NRS 41.034(2)(b) which excludes this cap when the damage results from deprivation of any rights secured by the Constitution of the United States.

V. - IF THIS HONORABLE SUPREME COURT DENIES THIS WRIT OF CERTIORARI IT WOULD BE ALLOWING A POLICE DEPARTMENT TO RAILROAD A SUSPECT AND HAVE HIM CHARGED AND CONVICTED BY HIDING EVIDENCE AND SELECTIVELY OBTAINING EVIDENCE AND OBTAINING WARRANTS WITHOUT THE PREREQUISITE OF OBTAINING SWORN STATEMENTS WHICH WOULD SUPPORT AN ARREST WARRANT.

To this day no Sworn Statements have been provided nor documents supporting the theory that the District Attorney filed charges even though the Writ of Certiorari challenged the Police Department to produce these documents.

CONCLUSION

The Court should grant this petition and it is the Petitioners belief based on prior cases that the Police Department's behavior of hiding evidence should be met with an Order instructing the lower court to set this matter for trial. This Honorable Court is also requested to rule on punitive damages in regards to NRS 41.035 and NRS 41.0334 (2) (b). which was argued in Respondent's Response at page 10.

Respectfully submitted,

John Geremia

John Geremia
Petitioner in Pro Se